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*Attorney for Defendants*  
*Travis Marker, The Law Office of Travis R.*  
*Marker, a Professional Corporation and*  
*Parlay Law Group, a Professional*  
*Corporation*

**UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOUGH;  
AMUND THOMPSON; ISABEL  
RAMOS; ANTHONY RAMOS;  
MICHAEL NIBARGER

Plaintiffs

v.

RYAN CARROLL;  
MAX K. DAY; MAX O. DAY;  
MICHAEL DAY; JARED DAY;  
MATTHEW CROUCH; CHRISTINE  
CARROLL; TROY MARCHAND;  
BONNIE NICHOLS; TRAVIS  
MARKER; REYHAN PASINLI; *et al.*

Defendants.

Case No.: 2:24-cv-02886-WLH-SK

Before the Hon. Wesley L. Hsu

**Defendants Travis Marker, The  
Law Office of Travis R. Marker, a  
Professional Corporation, and  
Parlay Law Group, a Professional  
Corporation's Answer to the First  
Amended Complaint; Jury Demand**

Date Action Filed: April 9, 2024  
Trial Date: TBD

Defendants Travis Marker, The Law Office of Travis R. Marker, a  
Professional Corporation, and Parlay Law Group, a Professional Corporation  
(collectively the "Marker Defendants"), by and through counsel of record, Steven  
H. Bergman of RICHARDS BRANDT MILLER NELSON, and pursuant to Rules 8 and 12  
of the Federal Rules of Civil Procedure, hereby answer Plaintiffs' First Amended  
Complaint ("FAC") as follows:

**Jurisdiction and Venue**

1. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

2. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

3. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

4. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

5. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

6. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

7. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

**Summary of Case**

8. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

9. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

10. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

11. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

12. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

13. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

1           14. Denied as the Marker Defendants had no control over how Wealth  
2 Assistants ran its business and did not play any role in the creation of the business  
3 model or in the fulfillment of services. The Marker Defendants were hired to collect  
4 fees and to pass the fees on to Wealth Assistants. Travis Marker admits that he met  
5 with Ryan Carroll one time to address concerns. Trave Marker was led to believe  
6 the concerns were being addressed. All other allegations of this paragraph of the  
7 FAC are denied.

8           15. The Marker Defendants have insufficient information to admit or deny  
9 the allegations contained in this paragraph of the FAC and therefore deny them.

10          16. Denied. The Marker Defendants have received the same excuses from  
11 Wealth Assistants and have no responsibility for the excuses Wealth Assistants  
12 have made.

13          17. The Marker Defendants deny any responsibility for the creation of the  
14 alleged fraud and the circumstances that created the complaints of Plaintiffs to their  
15 banks or alerted government agencies about the alleged ongoing fraud. The Marker  
16 Defendants deny the remaining allegations of this paragraph of the FAC for lack of  
17 sufficient knowledge or information.

18          18. Denied. The Marker Defendants were not involved in the creation of  
19 Wealth Assistants or the mismanagement of funds by Wealth Assistants. The  
20 Marker Defendants deny the remaining allegations of this paragraph of the FAC for  
21 lack of sufficient knowledge or information.

22          19. The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them.

24          20. Denied as to the Marker Defendants. The Marker Defendants have  
25 insufficient information to admit or deny the remaining allegations in this paragraph  
26 of the FAC and therefore deny them.

**Class Representatives**

21. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

22. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

23. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

24. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

**Defendants**

**A. Human Defendants**

25. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

26. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

27. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

28. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

29. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

30. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

31. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

32. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

1 33. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3 34. The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5 35. Admitted.

6 **B. Wealth Assistants Entity Defendants**

7 36. The Marker Defendants have insufficient information to admit or deny  
8 the allegations contained in this paragraph of the FAC and therefore deny them.

9 37. The Marker Defendants have insufficient information to admit or deny  
10 the allegations contained in this paragraph of the FAC and therefore deny them.

11 38. The Marker Defendants have insufficient information to admit or deny  
12 the allegations contained in this paragraph of the FAC and therefore deny them.

13 39. The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15 40. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17 41. The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them.

19 **C. Alter Ego Defendants**

20 42. The Marker Defendants have insufficient information to admit or deny  
21 the allegations contained in this paragraph of the FAC and therefore deny them.

22 43. The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them.

24 44. The Marker Defendants have insufficient information to admit or deny  
25 the allegations contained in this paragraph of the FAC and therefore deny them.

26 45. The Marker Defendants have insufficient information to admit or deny  
27 the allegations contained in this paragraph of the FAC and therefore deny them.  
28

1           46.    The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3           47.    The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5           48.    The Marker Defendants have insufficient information to admit or deny  
6 the allegations contained in this paragraph of the FAC and therefore deny them.

7           49.    The Marker Defendants have insufficient information to admit or deny  
8 the allegations contained in this paragraph of the FAC and therefore deny them.

9           50.    The Marker Defendants have insufficient information to admit or deny  
10 the allegations contained in this paragraph of the FAC and therefore deny them.

11          51.    The Marker Defendants have insufficient information to admit or deny  
12 the allegations contained in this paragraph of the FAC and therefore deny them.

13          52.    The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15          53.    The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17          54.    The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them.

19           **D. Quantum-Wholesale Partnership Defendants**

20          55.    The Marker Defendants have insufficient information to admit or deny  
21 the allegations contained in this paragraph of the FAC and therefore deny them.

22          56.    The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them.

24           **E. Payment Processing Defendants**

25          57.    Admitted.

26          58.    The Marker Defendants have insufficient information to admit or deny  
27 the allegations contained in this paragraph of the FAC and therefore deny them.  
28

59. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

## **Alleged Facts**

### A. Wealth Assistants' Misrepresentations About Its Services

60. The Marker Defendants deny any involvement or role in the creation of the terms and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the FAC for lack sufficient information or knowledge.

61. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

62. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

63. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

64. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

65. The Marker Defendants deny that they had any involvement or played any role in the creation of the terms in this paragraph and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the FAC of lack of sufficient information or knowledge.

66. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

67. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

68. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them, including all subparts.



69. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

70. The Marker Defendants deny any involvement or role in the creation of the terms and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the FAC of lack of sufficient information or knowledge.

71. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

72. The Marker Defendants deny any involvement or role in the creation of the terms and any duty to fulfill the terms. The Marker Defendants deny the remaining allegations of this paragraph of the FAC of lack of sufficient information or knowledge.

73. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

**B. Wealth Assistants' Marketing**

74. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

75. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

76. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

77. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

78. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

79. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.



**C. Plaintiffs' Experiences with Wealth Assistants**

80. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

81. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

82. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

83. Admitted that on April 18, 2023, Thompson paid \$5,016.08 to Wealth Assistants for inventory.

84. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

85. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

86. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

87. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

88. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

89. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

90. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

91. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

92. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

1 93. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3 94. The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5 95. The Marker Defendants have insufficient information to admit or deny  
6 the allegations contained in this paragraph of the FAC and therefore deny them.

7 96. The Marker Defendants have insufficient information to admit or deny  
8 the allegations contained in this paragraph of the FAC and therefore deny them.

9 97. The Marker Defendants have insufficient information to admit or deny  
10 the allegations contained in this paragraph of the FAC and therefore deny them.

11 98. The Marker Defendants have insufficient information to admit or deny  
12 the allegations contained in this paragraph of the FAC and therefore deny them.

13 99. The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15 100. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17 **D. Wealth Assistants Announced It Was Shutting Down and**  
18 **Transferred Many of Its Assets to Ryan Carroll, Michael Day,**  
19 **Max K. Day, and Max O. Day**

20 101. The Marker Defendants deny that they were involved in or played any  
21 role in the creation or dissemination of the message in this paragraph and further  
22 deny that they had any duty to perform as connected to the message. The Marker  
23 Defendants deny the remaining allegations of this paragraph of the FAC of lack of  
24 sufficient information or knowledge.

25 102. The Marker Defendants have insufficient information to admit or deny  
26 the allegations contained in this paragraph of the FAC and therefore deny them.

27 103. The Marker Defendants have insufficient information to admit or deny  
28 the allegations contained in this paragraph of the FAC and therefore deny them.

1           104. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3           105. The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5           106. The Marker Defendants have insufficient information to admit or deny  
6 the allegations contained in this paragraph of the FAC and therefore deny them.

7           **E. When Wealth Assistant Shut Down, It Transitioned Many of Its Clients'**  
8           **Accounts and Assets to Quantum Ecommerce and Wholesale Universe**

9           107. The Marker Defendants deny that they have any connection to  
10 Wholesale Universe and Quantum Ecommerce or their representations. The Marker  
11 Defendants deny the remaining allegations of this paragraph of the FAC of lack of  
12 sufficient information or knowledge.

13           108. The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15           109. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17           110. The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them.

19           111. The Marker Defendants have insufficient information to admit or deny  
20 the allegations contained in this paragraph of the FAC and therefore deny them.

21           112. The Marker Defendants have insufficient information to admit or deny  
22 the allegations contained in this paragraph of the FAC and therefore deny them.

23           113. The Marker Defendants have insufficient information to admit or deny  
24 the allegations contained in this paragraph of the FAC and therefore deny them.

25           114. The Marker Defendants deny that they have any connection to  
26 Wholesale Universe and Quantum Ecommerce or their representations. The Marker  
27 Defendants deny the remaining allegations of this paragraph of the FAC of lack of  
28 sufficient information or knowledge.

1 115. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3 116. The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5 117. The Marker Defendants have insufficient information to admit or deny  
6 the allegations contained in this paragraph of the FAC and therefore deny them.

7 118. The Marker Defendants have insufficient information to admit or deny  
8 the allegations contained in this paragraph of the FAC and therefore deny them.

9 119. The Marker Defendants have insufficient information to admit or deny  
10 the allegations contained in this paragraph of the FAC and therefore deny them.

11 120. The Marker Defendants have insufficient information to admit or deny  
12 the allegations contained in this paragraph of the FAC and therefore deny them.

13 121. The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15 122. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17 **F. The Payment Processor Defendants Conspired with Wealth Assistant to**  
18 **Help It Conceal Assets from Plaintiffs**

19 123. The Marker Defendants have insufficient information to admit or deny  
20 the allegations contained in this paragraph of the FAC and therefore deny them.

21 124. The Marker Defendants have insufficient information to admit or deny  
22 the allegations contained in this paragraph of the FAC and therefore deny them.

23 125. The Marker Defendants have insufficient information to admit or deny  
24 the allegations contained in this paragraph of the FAC and therefore deny them.

25 126. The Marker Defendants have insufficient information to admit or deny  
26 the allegations contained in this paragraph of the FAC and therefore deny them.

27 127. The Marker Defendants have insufficient information to admit or deny  
28 the allegations contained in this paragraph of the FAC and therefore deny them.

1 128. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3 129. Admitted.

4 130. Admitted.

5 131. The Marker Defendants deny instructing Wealth Assistants' clients to  
6 make discrete small payments. The Marker Defendants further state that they only  
7 sent chip readers to clients who had communicated a desire to run large transactions  
8 over \$25,000.

9 132. Denied as Defendant never told a Wealth Assistants client that a single  
10 credit card reader could only process a small amount of payments at one time. The  
11 Marker Defendants further state that they would only send a client two chip readers  
12 if the client had two different processing accounts. And each credit card reader was  
13 for large transactions over \$25,000 only.

14 133. Denied.

15 134. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17 135. The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them.

19 136. The Marker Defendants have insufficient information to admit or deny  
20 the allegations contained in this paragraph of the FAC and therefore deny them.

21 137. The Marker Defendants have insufficient information to admit or deny  
22 the allegations contained in this paragraph of the FAC and therefore deny them.

23 138. The Marker Defendants have insufficient information to admit or deny  
24 the allegations contained in this paragraph of the FAC and therefore deny them.

25 139. The Marker Defendants have insufficient information to admit or deny  
26 the allegations contained in this paragraph of the FAC and therefore deny them.

1 140. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them,  
3 including all subparts.

4 141. The Marker Defendants have insufficient information to admit or deny  
5 the allegations contained in this paragraph of the FAC and therefore deny them.

6 142. The Marker Defendants have insufficient information to admit or deny  
7 the allegations contained in this paragraph of the FAC and therefore deny them.

8 143. The Marker Defendants have insufficient information to admit or deny  
9 the allegations contained in this paragraph of the FAC and therefore deny them.

10 144. The Marker Defendants have insufficient information to admit or deny  
11 the allegations contained in this paragraph of the FAC and therefore deny them.

12 145. The Marker Defendants have insufficient information to admit or deny  
13 the allegations contained in this paragraph of the FAC and therefore deny them.

14 146. The Marker Defendants have insufficient information to admit or deny  
15 the allegations contained in this paragraph of the FAC and therefore deny them.

16 147. The Marker Defendants have insufficient information to admit or deny  
17 the allegations contained in this paragraph of the FAC and therefore deny them.

18 148. The Marker Defendants have insufficient information to admit or deny  
19 the allegations contained in this paragraph of the FAC and therefore deny them.

20 149. The Marker Defendants have insufficient information to admit or deny  
21 the allegations contained in this paragraph of the FAC and therefore deny them.

22 150. The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them.

24 151. The Marker Defendants have insufficient information to admit or deny  
25 the allegations contained in this paragraph of the FAC and therefore deny them.

26 152. The Marker Defendants have insufficient information to admit or deny  
27 the allegations contained in this paragraph of the FAC and therefore deny them.  
28

1           153. The Marker Defendants have insufficient information to admit or deny  
2 the allegations contained in this paragraph of the FAC and therefore deny them.

3           154. The Marker Defendants have insufficient information to admit or deny  
4 the allegations contained in this paragraph of the FAC and therefore deny them.

5           155. The Marker Defendants have insufficient information to admit or deny  
6 the allegations contained in this paragraph of the FAC and therefore deny them.

7           156. The Marker Defendants have insufficient information to admit or deny  
8 the allegations contained in this paragraph of the FAC and therefore deny them.

9           157. The Marker Defendants have insufficient information to admit or deny  
10 the allegations contained in this paragraph of the FAC and therefore deny them.

11           158. The Marker Defendants have insufficient information to admit or deny  
12 the allegations contained in this paragraph of the FAC and therefore deny them.

13           159. The Marker Defendants have insufficient information to admit or deny  
14 the allegations contained in this paragraph of the FAC and therefore deny them.

15           160. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17           161. The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them.

19           162. The Marker Defendants have insufficient information to admit or deny  
20 the allegations contained in this paragraph of the FAC and therefore deny them,  
21 including all subparts.

22           163. The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them.

24           164. The Marker Defendants have insufficient information to admit or deny  
25 the allegations contained in this paragraph of the FAC and therefore deny them,  
26 including all subparts.

27           165. The Marker Defendants have insufficient information to admit or deny  
28 the allegations contained in this paragraph of the FAC and therefore deny them.



**G. The Human Defendants All Conspired to Carry Out the Fraud Described Above**

166. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph of the FAC and therefore deny them, including all subparts.

167. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph of the FAC and therefore deny them, including all subparts.

168. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph of the FAC and therefore deny them, including all subparts.

169. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph of the FAC and therefore deny them, including all subparts.

170. The Marker Defendants deny any connection to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged collusion to defraud any clients or parties to this action. The Marker Defendants have insufficient information to admit or deny the rest of the allegations contained in this paragraph of the FAC and therefore deny them.

1           171. The Marker Defendants deny any connection to the alleged  
2 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
3 collusion to defraud any clients or parties to this action. The Marker Defendants  
4 have insufficient information to admit or deny the rest of the allegations contained  
5 in this paragraph of the FAC and therefore deny them.

6           172. The Marker Defendants deny any connection to the alleged  
7 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
8 collusion to defraud any clients or parties to this action. The Marker Defendants  
9 have insufficient information to admit or deny the rest of the allegations contained  
10 in this paragraph of the FAC and therefore deny them.

11           173. The Marker Defendants deny any connection to the alleged  
12 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
13 collusion to defraud any clients or parties to this action. The Marker Defendants  
14 have insufficient information to admit or deny the rest of the allegations contained  
15 in this paragraph of the FAC and therefore deny them.

16           174. The Marker Defendants deny any connection to the alleged  
17 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
18 collusion to defraud any clients or parties to this action. The Marker Defendants  
19 have insufficient information to admit or deny the rest of the allegations contained  
20 in this paragraph of the FAC and therefore deny them.

21           175. The Marker Defendants deny any connection to the alleged  
22 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
23 collusion to defraud any clients or parties to this action. The Marker Defendants  
24 have insufficient information to admit or deny the rest of the allegations contained  
25 in this paragraph of the FAC and therefore deny them.

26           176. The Marker Defendants deny any connection to the alleged  
27 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
28 collusion to defraud any clients or parties to this action. The Marker Defendants

1 have insufficient information to admit or deny the rest of the allegations contained  
2 in this paragraph of the FAC and therefore deny them.

3 177. Defendant Marker admits that he is the owner and control person of  
4 Marker Law and Parlay Law Group. The Marker Defendants deny any connection  
5 to the alleged conspiracy, the alleged intent to defraud, the alleged actual fraud, or  
6 any alleged collusion to defraud any clients or parties to this action. The Marker  
7 Defendants deny Defendant Marker “directed those entities conduct, as described  
8 above” in this paragraph.

9 **Class Action Allegations**

10 178. The Marker Defendants deny any connection to the alleged  
11 conspiracy, the alleged intent to defraud, the alleged actual fraud, or any alleged  
12 collusion to defraud any clients or parties to this action. The Marker Defendants  
13 have insufficient information to admit or deny the rest of the allegations contained  
14 in this paragraph of the FAC and therefore deny them.

15 179. The Marker Defendants have insufficient information to admit or deny  
16 the allegations contained in this paragraph of the FAC and therefore deny them.

17 180. The Marker Defendants have insufficient information to admit or deny  
18 the allegations contained in this paragraph of the FAC and therefore deny them,  
19 including all subparts.

20 181. The Marker Defendants have insufficient information to admit or deny  
21 the allegations contained in this paragraph of the FAC and therefore deny them.

22 182. The Marker Defendants have insufficient information to admit or deny  
23 the allegations contained in this paragraph of the FAC and therefore deny them,  
24 including all subparts.

25 183. The Marker Defendants have insufficient information to admit or deny  
26 the allegations contained in this paragraph of the FAC and therefore deny them.

27 184. The Marker Defendants have insufficient information to admit or deny  
28 the allegations contained in this paragraph of the FAC and therefore deny them.

185. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

186. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

187. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

### **Causes of Action**

#### **Count One** **Civil Conspiracy to Defraud Plaintiffs and Conceal Assets** **(Against All Defendants)**

188. The Marker Defendants restate and reallege each and every answer denial and affirmative defense asserted in response to Paragraphs 1-187 of the FAC and incorporate them by reference as if fully stated herein.

189. This Paragraph states a legal conclusion to which no response is required. If a response is required, denied.

190. This Paragraph states a legal conclusion to which no response is required. If a response is required, denied.

191. The Marker Defendants deny the allegations contained in this paragraph of the FAC.

192. The Marker Defendants deny the allegations contained in this paragraph of the FAC.

193. The Marker Defendants deny the allegations contained in this paragraph of the FAC.

194. The Marker Defendants have insufficient information to admit or deny the allegations contained in this paragraph of the FAC and therefore deny them.

195. The Marker Defendants deny the allegations contained in this paragraph of the FAC.

196. The Marker Defendants deny the allegations contained in this paragraph of the FAC.

1 197. The Marker Defendants deny the allegations contained in this  
2 paragraph of the FAC.

3 198. The Marker Defendants deny the allegations contained in this  
4 paragraph of the FAC.

5 199. The Marker Defendants deny the allegations contained in this  
6 paragraph of the FAC.

7 200. This Paragraph states a legal conclusion to which no response is  
8 required. If a response is required, denied.

9  
10 **Count Two**  
**Aiding and Abetting a Fraud**  
**(Against All Defendants)**

11 201. The Marker Defendants restate and reallege each and every answer  
12 denial and affirmative defense asserted in response to Paragraph 1-200 of the FAC  
13 and incorporate them by reference as if fully stated herein.

14 202. The Marker Defendants deny the allegations contained in this  
15 paragraph of the FAC.

16 203. The Marker Defendants deny the allegations contained in this  
17 paragraph of the FAC.

18  
19 **Count Three**  
**Fraudulently Transfer of Assets**  
**(Against the Alter Ego Defendants, the Quantum-Wholesale Partnership,**  
20 **Bonnie Nichols, and Troy Marchand—**  
**Collectively, the “Recipient Defendants”)**

21 1-5. [sic]. The Marker Defendants are not tendering an answer to this Count  
22 of the FAC in that this Count is not directed against the Marker Defendants.  
23 However, to the extent that any of the allegations contained in this Count of the  
24 FAC could be construed against one or more of the Marker Defendants, then the  
25 Marker Defendants deny those allegations and asserts each and every answer,  
26 denial, and affirmative defense asserted in response to all other Counts and  
27 allegations contained in The FAC.  
28

1 Except as expressly admitted above, the Marker Defendants deny each and  
2 every allegation of the FAC and deny that Plaintiffs are entitled to any relief from  
3 the Marker Defendants.

4 **Affirmative Defenses**

5 **First Affirmative Defense**

6 The FAC fails to state a claim upon which relief can be granted as to the  
7 Marker Defendants and should thus be dismissed.

8 **Second Affirmative Defense**

9 Without admitting any allegations contained in the FAC, and while  
10 continuing to deny the same, the Marker Defendants aver that any and all damages  
11 alleged to have been sustained by Plaintiffs were sustained as a direct result of the  
12 actions of others over whom the Marker Defendants had no control or right of  
13 control and which constitute an intervening act wherein the Marker Defendants'  
14 negligence, if any, was not the proximate cause of Plaintiffs' alleged damages, and  
15 as a result, the Marker Defendants should be dismissed.

16 **Third Affirmative Defense**

17 The FAC fails to allege fraud with particularity.

18 **Fourth Affirmative Defense**

19 As against the Marker Defendants, Plaintiffs cannot prove their fraud claims  
20 by clear and convincing evidence.

21 **Fifth Affirmative Defense**

22 As against the Marker Defendants, Plaintiffs cannot establish that the Marker  
23 Defendants entered into an agreement with one or more of the other defendants to  
24 commit fraud.

25 **Sixth Affirmative Defense**

26 As against the Marker Defendants, Plaintiffs cannot establish that one or  
27 more of the Marker Defendants became a member of the alleged conspiracy  
28 knowing of at least one of its objects and intending to help accomplish that object.

**Seventh Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants directly conspired with one or more alleged conspirators to carry out at least one of the objects of the alleged conspiracy.

**Eighth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants knew or had reason to know that other conspirators were involved with those with whom one or more of the Marker Defendants allegedly directly conspired.

**Ninth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants had reason to believe that whatever benefits said defendant might obtain from the conspiracy was dependent upon the success of the entire venture.

**Tenth Affirmative Defense**

To the extent one of more of the Marker Defendants knowingly or unknowingly became a member of the allegedly conspiracy, which the Marker Defendants deny, said defendant withdrew from the alleged conspiracy before any overt act regarding the conspiracy occurred.

**Eleventh Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants made any false statements or representations.

**Twelfth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot establish that they relied on any false statement or representation made by one or more of the Marker Defendants or that such reliance was reasonable under the circumstances.



**Thirteenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot establish that they were harmed or that Plaintiffs' reliance on any representation by one or more of the Marker Defendants was a substantial factor in causing any Plaintiff's harm.

**Fourteenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot prove that one or more of the Marker Defendants concealed or attempted to conceal any assets.

**Fifteenth Affirmative Defense**

As against the Marker Defendants, the FAC, and each purported cause of action alleged therein, is barred in whole or in part by the applicable statutes of limitations.

**Sixteenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of unclean hands.

**Seventeenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of estoppel.

**Eighteenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs and/or the putative class members relinquished and waived any right to any of the claims upon which Plaintiffs now seek relief.

**Nineteenth Affirmative Defense**

As against the Marker Defendants, Plaintiffs' claims are barred by the doctrine of laches.

**Twentieth Affirmative Defense**

As against the Marker Defendants, Plaintiffs' claims are barred because Plaintiffs, and each member of the putative class, acquiesced or consented to the conduct about which they now complain.

**Twenty-First Affirmative Defense**

As against the Marker Defendants, Plaintiffs' claims are barred, in whole or in part, because in doing the things alleged in the FAC, the Marker Defendants acted in reliance on misrepresentations by Plaintiffs and the putative class members.

**Twenty-Second Affirmative Defense**

As against the Marker Defendants, the FAC, and each purported cause of action alleged therein, is barred because Plaintiffs lack standing to state the claims alleged in the FAC and/or to assert the legal rights or interests of others.

**Twenty-Third Affirmative Defense**

As against the Marker Defendants, the FAC, and each purported cause of action alleged therein, does not state facts sufficient to certify a class. Therefore, this action is not properly brought as a class action.

**Twenty-Fourth Affirmative Defense**

As against the Marker Defendants, Plaintiffs are not proper representatives of the class they purport to represent and, accordingly, this action is not properly brought as a class action.

**Twenty-Fifth Affirmative Defense**

As against the Marker Defendants, Plaintiffs cannot maintain a representative or class action because the putative plaintiffs are not similarly situated.

**Twenty-Sixth Affirmative Defense**

The Marker Defendants are entitled to setoff, offset, and/or recoupment for amounts paid to Plaintiffs and/or any member of the putative class.

**Twenty-Seventh Affirmative Defense**

Any injury or damage allegedly suffered by Plaintiffs was caused or contributed to by the negligence, fault, bad faith, breach of contract, or other wrongful or tortious conduct of Plaintiffs and/or persons or entities other than the

1 Marker Defendants, and such conduct offsets, eliminates or comparatively reduces  
2 the liability, if any, of the Marker Defendants.

3 **Twenty-Eighth Affirmative Defense**

4 As against the Marker Defendants, the FAC, and each purported cause of  
5 action alleged therein, is barred by Plaintiffs' failure to take reasonable steps to  
6 avoid or otherwise mitigate the alleged damages, the existence of which is  
7 specifically denied.

8 **Twenty-Ninth Affirmative Defense**

9 The Marker Defendants acted reasonably and in good faith at all times  
10 material herein, based on all relevant facts and circumstances known to them at the  
11 time they so acted. Accordingly, Plaintiffs are barred, in whole or in part, from any  
12 recovery in this action as against the Marker Defendants.

13 **Thirtieth Affirmative Defense**

14 The Marker Defendants state that any fault, if any, of the Marker Defendants  
15 must be reduced by the comparative fault of the Plaintiffs and/or the fault and  
16 liability of other defendants and/or third parties over whom the Marker Defendants  
17 lack control.

18 **Thirty-First Affirmative Defense**

19 Without admitting any of the allegations of the FAC, and still denying the  
20 same except as expressly admitted above, the Marker Defendants adopt and  
21 incorporate herein by reference any affirmative defense alleged by any other  
22 Defendant not set forth above.

23 The Marker Defendants reserve the right to amend this Answer to add  
24 additional defenses and affirmative defenses as discovered in the course of this  
25 action.

26 **Prayer for Relief**

27 WHEREFORE, having fully answered, the Marker Defendants pray for relief  
28 as follows:

1 A. For entry of Judgment in favor of the Marker Defendants and against  
2 Plaintiffs;

3 B. For an order dismissing the FAC and each cause of action therein with  
4 prejudice as against the Marker Defendants;

5 C. For an order denying class certification to the Plaintiffs;

6 D. For an order finding the Marker Defendants are not at fault for the  
7 claims in the FAC or that other parties, including Plaintiffs, other defendants, or  
8 third parties, are at fault and that the Marker Defendants fault is de minimis after  
9 allocating fault to the Plaintiffs, other defendants, and third parties;

10 E. For an award of the Marker Defendants' costs, and if applicable,  
11 attorneys' fees;

12 F. For such further and other relief as the Court deems proper and just.

13 Dated: July 30, 2024

Respectfully submitted,

14 RICHARDS BRANDT MILLER NELSON

15 s/ Steven H. Bergman  
16 Steven H. Bergman

17 *Attorneys for Defendants Travis Marker,*  
18 *Law Office of Travis R. Marker,*  
19 *a Professional Corporation, and Parlay Law*  
20 *Group, a Professional Corporation*

**Jury Demand**

The Marker Defendants, pursuant to Rule 38 of the Federal Rules of Civil Procedure, hereby demand a trial by jury on all issues triable to a jury.

Dated: July 30, 2024

Respectfully submitted,

RICHARDS BRANDT MILLER NELSON

s/ Steven H. Bergman

Steven H. Bergman

*Attorneys for Defendants Travis Marker,  
Law Office of Travis R. Marker,  
a Professional Corporation, and Parlay Law  
Group, a Professional Corporation*

**Certificate of Service**

I hereby certify that on this the 30<sup>th</sup> day of July, 2024, a copy of the foregoing **Defendants Travis Marker, The Law Office of Travis R. Marker, APC, and Parlay Law Group, APC Answer to the First Amended Complaint; Jury Demand** was served on all counsel of record in this case by one or more of the following methods in accordance with the Federal Rules of Civil Procedure:

☒ ECF electronic filing  
☐ E-mail, delivery receipt requested  
☐ U.S. Mail  
☐ Hand Delivery  
☐ Facsimile

/s/Mariah Letts  
Mariah Letts

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